

**DEPARTMENT
PHILOSOPHY**

DHS requires participation in employment and/or self-sufficiency-related activities associated with the Family Independence Program (FIP) or Refugee Cash Assistance (RCA). Applicants or recipients of Food Assistance Program (FAP) only must accept and maintain employment. There are consequences for a client who refuses to participate in FIP/RCA employment and/or self-sufficiency-related activities or refuses to accept or maintain employment without good cause.

**DEPARTMENT
POLICY**

The policies in this item apply to all FAP applicants and recipients age 16 and over. Noncompliance without good cause, with employment requirements for FIP/RCA may affect FAP if both programs were active on the date of the FIP noncompliance; see BEM 233A.

Exception: See BEM 233C for FAILURE TO MEET EMPLOYMENT REQUIREMENTS: RCA. RCA clients do not have the Last RCA budgeted on their FAP benefits, but can be disqualified from FAP.

Michigan's FAP Employment and Training program is voluntary and penalties for noncompliance may only apply in the following two situations:

- Client is active FIP/RCA and FAP and becomes noncompliant with a cash program requirement without good cause.
- Client is active RCA and becomes noncompliant with a RCA program requirement.
- Client is pending or active FAP only and refuses employment (voluntarily quits a job or voluntarily reduces hours of employment) without good cause.

At no other time is a client considered noncompliant with employment or self-sufficiency related requirements for FAP.

**PROCESS FOR FIP/
RCA ASSOCIATED
NONCOMPLIANCE**

When a recipient of FIP/RCA and FAP is noncompliant, the following will occur:

- On the night that the one-stop service center case manager places the participant into triage activity, the One-Stop Management Information System (OSMIS) will interface to Bridges a noncooperation notice. Bridges will generate a triage appointment at the local office as well as generating the DHS-2444, Notice of Employment And/Or Self-Sufficiency Related Noncompliance, which is sent to the client.
- For manually entered noncooperations, the DHS-2444 will be generated upon the next EDBC run, which will schedule the triage appointment and place the case into case closure pending the negative action period.
- If a participant is active FIP and FAP at the time of FIP noncompliance, determination of FAP good cause is based on the FIP good cause reasons outlined in BEM 233A. For the FAP determination, if the client does not meet one of the FIP good cause reasons, determine the FAP disqualification based on FIP deferral criteria only as outlined in BEM 230A, or the FAP deferral reason of care of a child under 6 or education. No other deferral reasons apply for participants active FIP and FAP.
- Determine good cause during triage appointment/phone conference and prior to the negative action period. Good cause must be provided prior to the end of the negative action period. Document the good cause determination on the Noncooperation Detail Screen within 24 hours of determination. If the client does not participate in the triage meeting, determine good cause for FAP based on information known at the time of the determination. Good cause may be verified by information already on file with DHS, the Refugee Contractor (RC), or the Partnership. Accountability. Training. Hope. (PATH).
- Determine FAP good cause separately from the FIP/RCA based on FAP good cause reasons defined later in this item. If a good cause reason is selected for FIP/RCA it also applies to FAP. If the client does not meet one of the FIP/RCA good

cause reasons in the drop down list, but does meet one of the FAP only good cause reasons, select the FAP only good cause reason to avoid client disqualification on FAP. Bridges makes both determinations simultaneously.

When To Disqualify

Disqualify a FAP group member for noncompliance when all the following exist:

- The client was active both FIP/RCA and FAP on the date of the FIP/RCA noncompliance.
- The client did not comply with FIP/RCA employment requirements.
- The client is subject to a penalty on the FIP/RCA program.
- The client is **not** deferred from FAP work requirements; see DEFERRALS in BEM 230B.
- The client did not have good cause for the noncompliance.

See Member Disqualification in this item.

Budgeting Last FIP

Bridges applies policies associated with a FIP related noncompliance and budgets the *Last FIP* grant amount into the FAP budget. The FIP grant is removed from the FAP budget at the end of the FIP penalty period. For individuals serving a lifetime sanction, Bridges will remove the FIP income from the FAP budget once the individual reaches their FIP lifetime time limit.

In instances in which the individual serving a FIP sanction leaves the group, the sanction follows that individual. When the client reappears for FIP, Bridges will remove the FIP income from the FAP budget

Note: When the individual with the lifetime sanction enters a different FIP group, Bridges will close the FIP case for the lifetime sanction and budget the last FIP, for that sanctioned individual, into the FAP budget for the new group.

Bridges will not budget the Last RCA grant when imposing Refugee Assistance Program penalties. See BEM 233C for RCA penalties.

Overlapping Negative Actions

When a client is active both FIP and FAP on the date of a FIP non-compliance and FIP is closing for a reason unrelated to noncompliance (for example client request) take one of the following actions:

- If the client requests closure of both FIP and FAP during the good cause determination **and** before case closure, act on the unrelated FAP closure. Do not proceed with the FAP noncompliance penalties.
- If the client requests closure of FIP benefits only, but not FAP, any time during the penalty process and after the noncompliance occurred, continue to process the FAP disqualification. A minimum one or six month penalty applies. If the FIP closure is not employment and/or self-sufficiency-related, Bridges will not budget the *Last FIP* grant amount.

FAP ONLY NONCOMPLIANCE

Refusing Employment

Non-deferred adult members of FAP households must follow certain work-related requirements in order to receive food assistance program benefits.

Working

Disqualify non-deferred adults who were working when the person:

- Voluntarily quits a job of 30 hours or more per week without good cause, or
- Voluntarily reduces hours of employment below 30 hours per week without good cause, or

Note: If the job quit or reduction in hours occurred more than 30 days prior to the application date, no penalty applies.

Not Working

Non-deferred adults who are **not** working or are working less than 30 hours per week must:

- Accept a bona-fide offer of employment.

Note: A bona fide offer of employment means a definite offer paying wages of at least the applicable state minimum wage.

- Follow through and participate in activities required to receive unemployment benefits (UB) **if** the client has applied for or is receiving UB.

Note: Determine good cause before implementing a disqualification.

**FAP ONLY
PENALTIES FOR
REFUSING
SUITABLE
EMPLOYMENT**

When a client has refused suitable employment as described above, do the following:

- Complete the noncompliance record by either completing the *Loss of Employment screen* for job quit or voluntary reduction of hours below 30 hours or by entering a noncooperation for refusal of employment on the *Noncooperation Summary screen*. The DHS-2444, Notice of Employment And/Or Self-Sufficiency Related Noncompliance will be generated upon the next run of EDBC, which will also schedule the triage appointment at the local office and place the individual into disqualification pending the negative action period.
- The following information will be populated on the DHS-2444:
 - The name of the noncompliant individual.
 - The date of noncompliance.
 - All the dates, if addressing more than one incident of noncompliance.
 - The reason the client was determined to be noncompliant.
 - The disqualification that may be imposed.
 - The scheduled triage appointment, to be held in person or by phone, within the negative action period.

- Hold the triage appointment/phone conference to determine good cause prior to the negative action period. Good cause must be verified and provided prior to the end of the negative action period and can be based on information already on file with DHS. Document good cause determination on the Noncooperation Detail screen within 24 hours of determination.
- If the client does not participate in the triage meeting, determine good cause for FAP based on information known at the time of the determination.
- An in-person meeting is not required for FAP only. If the client calls to report a job loss determine good cause while on the phone with the client.
- Determine FAP good cause based on FAP good cause reasons defined later in this item.

WIA AND OTHER EMPLOYMENT & TRAINING PROGRAMS

Do **not** disqualify FAP applicants or recipients for failing to comply with Workforce Investment Act (WIA) services or any other FAP employment and training components.

MEMBER DISQUALIFICATION

Disqualifications for failure to comply without good cause are the same for FAP applicants, recipients and member adds. Evaluate each client's work requirement before imposing a disqualification; see BEM 230B DEFERRALS.

- For the first occurrence, disqualify the person for one month or until compliance, whichever is longer.
- For a second or subsequent occurrence, disqualify the person for six months or until compliance, whichever is longer.

Bridges counts any previous FIP or RCA-related FAP penalty as a first or subsequent occurrence.

Applicants

For applicants, begin the disqualification the month after application, even if the failure occurred within the 30 days before the application. Bridges sends a client notice to inform the client.

Member Add

For a member add, the disqualification must begin the month after the new member was reported.

Recipients

For recipients, begin the disqualification the first month possible after determination or notification of the failure to comply. Give the group timely notice.

**Disqualification
Begin Date**

Begin the disqualification the first month after the negative action period ends. If the notice is not sent timely, impose the full disqualification period beginning the first month possible after discovering the error.

Once begun, the month(s) of disqualification proceed consecutively and cannot be interrupted, even if the noncompliant person or the group becomes ineligible for another reason.

Note: When a member in a FAP group becomes disqualified, Bridges budgets the member's income and expenses as they count toward the remaining eligible group members. See BEM 550 for budgeting instructions.

**GOOD CAUSE FOR
NONCOMPLIANCE**

Good cause is a valid reason for failing to participate in employment and/or self-sufficiency-related activities or refusing suitable employment. Investigate and determine good cause before deciding whether to imposing a disqualification. Good cause includes the following:

Deferred

- The person meets one of the deferral criteria; see DEFERRALS in BEM 230B.

**Meets Participation
Requirements**

- The person meets participation requirements; see DEFERRALS in BEM 230B.

**Wage Under
Minimum**

- Except for sheltered workshops, the wage offered, including tips, is less than the applicable state minimum wage.

Client Unfit

- The client is physically or mentally unfit for the job, as shown by medical evidence or other reliable information.

**Health or Safety
Risk**

- The degree of risk to health or safety is unreasonable.

Illness or Injury

- The client has a debilitating illness or injury, or an immediate family member's illness or injury requires in-home care by the client.

Religion

- The working hours or nature of the employment interferes with the client's religious observances, convictions or beliefs.

Net Income Loss

- The employment causes the family a net loss of cash income.

No Child Care

- Child Development and Care (CDC) is needed for a CDC-eligible child, but none is adequate, suitable, affordable and within reasonable distance of the client's home or work site; see BEM 703.

No Transportation

- Reasonably priced transportation is not available to the client.

Illegal Activities

- The employment involves illegal activities.

Discrimination

- The client experiences discrimination on the basis of age, race, disability, gender, color, national origin or religious beliefs.

**Unplanned Event
or Factor**

- Credible information indicates an unplanned event or factor which likely prevents or significantly interferes with employment and/or self-sufficiency-related activities.

**Comparable Work,
Job Quits**

- The client obtains comparable employment in salary **or** hours to the job that was lost.

Note: When a client quits a job and during the negative action period secures employment, the penalty still applies unless the new job meets the definition of comparable work above.

**Education or
Training**

- The employment interferes with enrollment at least half time in a recognized education or job training program.

Long Commute

- Total commuting time exceeds either:
 - Two hours per day, not including time to and from child care facilities.
 - Three hours per day, including time to and from child care facilities.

**Unreasonable
Conditions**

- The employer makes unreasonable demands or conditions (for example, working without being paid on schedule).

Forced Move

- The person must quit a job and move out of the county due to another group member's:
 - Employment.
 - Employment and/or self-sufficiency-related activities.
 - Enrollment at least half time in a recognized education or job training program.

Retirement

- The employer recognizes the person's resignation as retirement.

**Unkept Promise of
Work**

- For reasons beyond the person's control, promised employment of at least 30 hours per week (or the state minimum wage times 30 hours) does not materialize or results in less than that minimum.

Union Involvement

- The person must join, resign from, or refrain from joining a labor organization as an employment condition.

Strike or Lockout

- The work is at a site subject to a strike or lockout (not enjoined by federal law) at the time of the offer.

Work Not Familiar

- In the first 30 days after determined a mandatory FAP participant, the only employment offered is outside the person's major field of experience.

**REESTABLISHING
FAP ELIGIBILITY**

A noncompliant person must serve a minimum one-month or six-month disqualification period unless one of the criteria for ending a disqualification early exists.

End the disqualification early if the noncompliant person either:

- Complies with work assignments for a cash program.

- Obtains comparable employment in salary **or** hours to the job which was lost.
- Meets a deferral reason other than unemployment benefit (UB) application/recipient; see DEFERRALS in BEM 230B.
- Leaves the group.

If the person has met any of the criteria above after a disqualification has actually taken effect, restore benefits beginning the month after the noncompliant person reports meeting the criteria.

Example: A mandatory FAP recipient reports a job quit on March 28 without good cause. The adverse action to disqualify the noncompliant person takes effect on April 13. The noncompliant person reports getting a comparable job on April 25. Since the disqualification doesn't actually take effect until May 1, and the client has met one of the criteria for ending a disqualification early, she/he should receive FAP benefits for May. If the noncompliant person did not report a new job until May 1, the FAP benefits could not be restored until the 1st of June.

If the noncompliant person does not meet the criteria above for ending a disqualification early, a five-day, 20-hour compliance test must be completed before eligibility is regained. In addition, the minimum disqualification period must be served.

If the disqualification caused FAP closure, and all eligibility criteria for FAP eligibility are met, open the case effective the latter of:

- The date the person agreed to comply.
- The day after the disqualification ended.
- The date of application.

Compliance Test

After a one-month or six-month disqualification, the noncompliant person must complete a compliance test to become eligible for FAP, unless:

- Working 20 hours or more per week.
- Meets FAP deferral criteria; see DEFERRALS in BEM 230B.

When a disqualified client indicates a willingness to comply, provide an opportunity to test his/her compliance. Arrange for testing within 10 work days of the contact, provided it is no earlier than one month before a minimum disqualification period ends.

The test consists of five days of employment and/or self-sufficiency-related activities totaling 20 hours. A client may elect to do the test with a community service agency. If so, just verify participation.

Local offices have latitude in the design of compliance tests. Examples of activities include:

- Community Service.
- Work Experience.
- Applying for three jobs within 10 days. Use the DHS-402, FAP Compliance Letter, and Job Application Log.
- Other employment and/or self-sufficiency-related activities.

If the person completes the test, recalculate the group's FAP benefit amount with him/her included.

LEGAL BASE

Food and Nutrition Act of 2008 (7U.S.C. 2011 et. seq.)
R400.3610
7CFR 272 and 273.7
Social Welfare Act